

An amended libel, praying seizure and condemnation of 898 cases of apples, remaining in the original unbroken packages at Selma, Ala., alleging the article had been shipped by the Holmes Co., from Robbinston, Me., on November 22, 1924, and transported from the State of Maine into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Holmes St. Croix Brand \* \* \* Made At Robbinston, Maine, Guaranteed By Holmes Company." It was alleged in the libel, as amended, that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 5, 1927, the product having theretofore been examined, and the good portion separated from the bad and delivered to the claimant, R. H. & E. Agee Grocery Co., Selma, Ala., and the bad portion having been destroyed, a decree was entered, adjudging the product adulterated, and ordering that the good portion be released to the said claimant.

W. M. JARDINE, *Secretary of Agriculture.*

**52. Adulteration and misbranding of chocolate almonds. U. S. v. 18 Boxes of Chocolate Almonds. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13545. I. S. No. 437-v. S. No. E-4404.)**

On May 29, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 boxes of chocolate almonds, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the American Chocolate Almond Co., from Jersey City, N. J., on or about April 25, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements "AAA Chocolate Almonds \* \* \* The American Chocolate Almond Co., Corp." on the package containing the article, and "The Best Chocolate Almonds Made by the Most Sanitary Method," appearing upon an advertising card within the package, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On March 28, 1927, the time of the claimants to file an answer having expired, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the claimants pay all costs.

W. M. JARDINE, *Secretary of Agriculture.*

**53. Adulteration of black pepper. U. S. v. Biston Coffee Co. Plea of guilty. Fine, \$400. (F. & D. No. 21592. I. S. Nos. 3313-x, 3366-x, 8507-x, 12234-x, 12235-x.)**

On May 14, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Biston Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about October 27, 1925, March 16, May 13, and July 16, 1926, from the State of Missouri into the States of Indiana, Wisconsin, Kentucky, and Minnesota, respectively, of quantities of black pepper which was adulterated. The article was labeled in part "Black Pepper." A portion of the said article was further labeled "Biston Coffee Co. St. Louis, Mo."

It was alleged in the information that the article was adulterated, in that it contained, to wit, cayenne pepper and ground rice, had been mixed and packed with so as to reduce and lower and injuriously affect its quality, and had been substituted in part for black pepper, which the said article purported to be.

On June 22, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

W. M. JARDINE, *Secretary of Agriculture.*